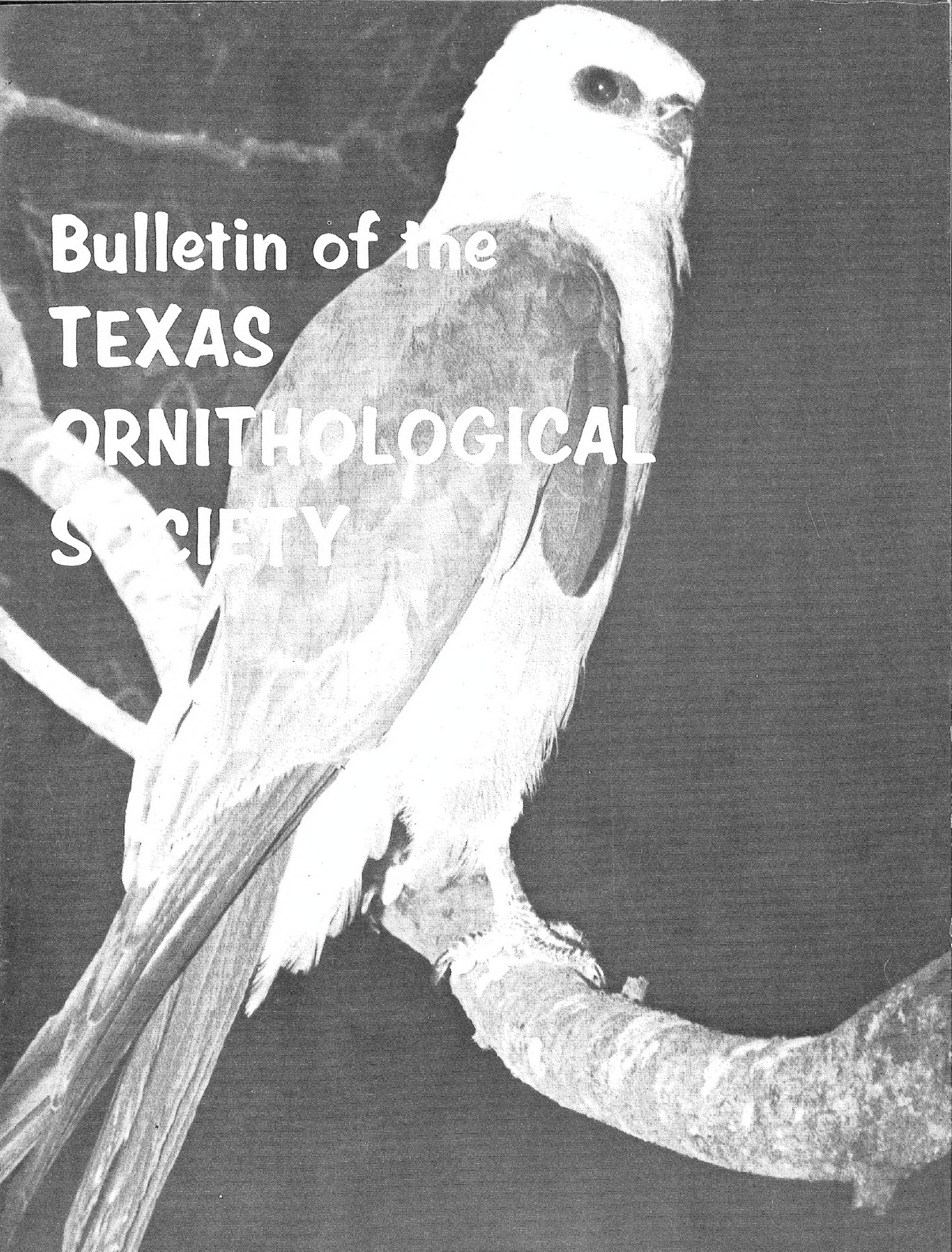
Bulletin of the
TEXAS
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Almost the entirety of this issue is devoted to a bibliography of Texas birds — 450 titles of articles appearing in various journals and magazines, all of which pertain, in one way or another, to birds in Texas. A few years ago a similar bibliography was published for the state of Iowa, and partial bibliographies have been published for other areas of the world. The junior author, Miss White, is a senior sociology major at Texas Tech, and was formerly the editorial assistant of the BULLETIN. We would like to gratefully acknowledge the secretarial assistance of Miss Anna Preston, and Miss Gayle Gudger, both of Texas Tech and the assistance of the staff of the Texas Tech library, who helped us obtain a few articles on interlibrary loan.

The photographs of the Mississippi Kite appearing on the cover, page 53, and the outside back cover were taken by Dr. Richard Albert, of Alice. This kite was one of more than a thousand which were observed over Alice in September, 1968. This particular bird had been wounded in the right wing. The photograph of the Black-necked stilt on this and the opposite page were taken by Dr. John Tveten, T.O.S. librarian and a chemist in Baytown who has photographed more than 200 species of birds. Dr. Tveten is also a director of the Houston Outdoor Nature Club.

The Bulletin and Newsletter are each issued four times a year and mailed to all members of the Texas Ornithological Society not in arrears for dues. Annual dues for active members is $3.00, for sustaining members, $5.00. Inquiries regarding membership should be addressed to Mr. W. Russell Weil, Treasurer, 3429 Lovers Lane, Dallas, Texas 75225. Individual issues of the Bulletin may be purchased for fifty cents a copy. Original articles, reports and news items should be sent to Dr. Michael Kent Rylander, Editor, Department of Biology, Texas Technological College, Lubbock, Texas 79409. Conservation items should be submitted to Mr. Edward Fritz, Conservation Editor, 909 Reliance Life Building, Dallas, Texas 75201. The art director for the Bulletin is Mr. Dick Cheatham. The Texas Ornithological Society was organized in 1953 and membership is open to anyone having an interest in Texas birds, their study and conservation. The president of the TOS is Dr. William Graber, Beaumont; the vice-president is Mr. Charles Crabtree, Fort Worth; and the Secretary is Mrs. Cleve Bachman, Beaumont.

A BIBLIOGRAPHY OF TEXAS BIRDS

KENT RYLANDER and BARBARA WHITE

The literature pertaining to birds in Texas is so widely scattered that to organize it seems almost impossible. Yet it is necessary to do this, because, as more and more contributions to Texas ornithology are published each year, the ornithologist wishing to document his studies with relevant journal articles is forced to search more intensively. There are, to be sure, helpful bibliographic references, such as Strong's, *Bibliography of Birds (1939-1946.* Field Museum of Natural History, Zool. Ser., 26, pts. 1-3), which lists a large number of titles through 1926, a few relating to Texas birds; *Biological Abstracts;* and *Zoological Record.* Recent surveys have shown that none of these sources even approaches comprehensiveness, even with regard to ornithological publications of general interest. Local studies, particularly those in minor ornithological journals, are even less completely indexed.

Even the present bibliography, limited to papers published from 1950 through 1967, is not complete. We believe, however, that it incorporates almost all of the major articles dealing with Texas birds which were published during that period. The criteria for inclusion were arbitrary and admittedly we were inconsistent at times. In many cases, rather than wrestle with borderline cases, we simply included them. Newspaper and mimeographed articles, as well as papers appearing in the T.O.S. Bulletin, were generally not included. After the type was set, a few additional references were found, but these were not included as they did not seem to be significant enough to change the indexing numbers which had been assigned.

Our procedure for preparing the bibliography was rather systematic, and unless we overlooked references, all important references which can be found by this procedure are included. On the other hand, articles not indexed or appearing in the following journals, or not reported to us by the authors themselves, would not be expected to appear in the bibliography. In other words, the literature was not *completely* searched for references dealing with Texas birds; only the obvious bibliographic sources were exploited. First, indexes to *Zoological Record, Biological Abstracts, Condor, Auk, Wilson Bulletin, Southwestern Naturalist, Texas Journal of Science* and *Texas Game and Fish Magazine* were searched for significant articles on Texas birds. Cards were typed for each reference and filed alphabetically by author. We assumed that authors for whom we had two or more reference cards may have published additional articles in journals not covered by the indexes in the journals listed above. We attempted to locate these authors' addresses in the membership lists of the American Ornithologists' Union, if the addresses accompanying the articles, when available, were not current. Frequently we had only index references to an article, and not the articles themselves, so did not have at our disposal the address of the author which ordinarily accompanies the article. In a few cases we obtained addresses from *American Men of Science* and the membership lists of the Wilson Ornithological Society and the Cooper Ornithological Society. We then proceeded to write a personal letter to the authors for whom we had addresses, requesting data on articles which we might have missed. Unfortunately we received relatively few replies, but the number of additional references obtained through correspondence of this sort was remarkable. This leads us to believe that if we could have located *all* of the authors for whom we had references, and if they had all responded, the list of references appearing in this bibliography would be increased by approximately one-fourth. We had neither the time nor the financial means to be this exhaustive, however.

We hope this present work will stimulate a similar compilation of articles published prior to 1950, and perhaps, in a few years, to articles subsequent to 1967. In another vein, the history of Texas ornithology need not go uninterpreted, and a wealth of historical material may be gleaned from a perusal of ornithological publications concerned with Texas birds. Even a casual consideration of the accompanying list suggests a few trends with regard to areas of interest at various times. Ornithologists in Texas have not always focused their attention on the same aspect of birds, and their shifting interests throughout the years may well be correlated with changes in the political and intellectual climate of the state.

We welcome additions and corrections to the accompanying list. It is in the interest of ornithologists that these be incorporated in some sort of supplement which in all probability will be published next year.

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NED FRITZ:

T.O.S.
Conservation
Editor

SUMMARY OF CONSERVATION BILLS

This is the longest list of conservation measures with the best chance of passage in the history of the Texas Legislature. Every conservationist should express his or her views on select bills in writing to the State Senator and State Representative from his or her district at the following address:

Senator (or Representative) _____
State Capitol
Austin, Texas 78711

NATURAL RESOURCES AGENCIES REORGANIZATION
(State Conservation Platform, Plank 1)

HCR 333 by FRED ORR—This resolution calls for a study by a governor-appointed commission of the organization, coordination and interrelation of the more than one hundred state agencies having jurisdiction over natural resources, with a viewpoint toward possible consolidation into a Department of Natural Resources. This approach is far more sound than other bills which would expand Parks and Wildlife to six or nine members (H.B. 71) or would split Parks and Wildlife. Senator Oscar Mauzy will introduce the concurrent resolution in the Senate.

NATURAL RIVERS BILL
(State Conservation Platform, Plank 7)

SB 319 by DON KENNARD; HB 682 by BEN ATWELL and NEIL CALDWELL—This legislation would preserve in a natural state, for float trips, fishing, swimming and scenic beauty, a representative selection of free-flowing streams (see Conservation Progress No. 10 for full language).

SCIENTIFIC AREAS BILL
(State Conservation Platform, Plank 5)

HB 414 by FRED ORR—This bill would amend the Scientific Areas Act, passed last session, by empowering the Parks and Wildlife to purchase choice natural areas, as well as to receive them by donation. If this bill passes, the Act could be used as a medium for obtaining a wilderness system for Texas. Senator Don Kennard plans to seek an appropriation of two million dollars for acquisition. Senator D. Roy Harrington has introduced this measure in the Senate.

STATE PARKS BILLS
(State Conservation Platform, Plank 11)

SB 320 by KENNARD; HB 790 by BOB ARMSTRONG—Creates a State Parks Foundation, authorizes the receiving of donations and the acquisition of parks and scientific areas for public use, supplementing the State Parks program.

SB 323 by KENNARD; HB 788 by ARMSTRONG—Creates a Texas Parks Advisory Committee of conservationists appointed by the Governor, to advise the Parks and Wildlife Department.

PROTECTION OF ADDITIONAL BIRD SPECIES BILLS
(State Conservation Platform, Plank 16)

SB 647 by KENNARD; HB 736 by CALDWELL, HB 310 by ATWELL—This legislation would add to the protected list the following species: Ravens, Vultures, "Ricebirds", Blackbirds, Roadrunners, Goshawk, Coopers Hawk, "Jaybird", Sapsuckers, Sharp-shinned hawk, Woodpeckers, Shrikes and Great horned owl.

PARKS PROTECTION BILL
(State Conservation Platform, Plank 13)

SB 324 by KENNARD; HB 368 by DAVID FINNEY—Would require public hearings and examination of reasonable alternatives before park, recreation or scientific areas be taken for highways, etc.

SUMMARY OF POLLUTION BILLS
(State Conservation Platform, Plank 4)

HB 67 and 69 by REX BRAUN—Have the practical effect of making corporations subject to the criminal processes for violating pollution laws. *SB 5 and 6, by CRISS COLE,* have the same effect, but add an objectionable feature. In sections 2 and 3 of each, they let the Texas Air Control Board relieve the air polluter of guilt by issuing a variance, and the Texas Water Quality Board relieve a water polluter of guilt by issuing a permit. These boards issue practically all permits requested.

HB 353 by BRAUN—This Act would provide for the creation of special pollution control funds at the state, county and city levels which would be derived from the fines or penalties assessed by the courts on the conviction of persons found in violation of the laws involving the pollution of the air and waters of this state. Monies contributed for pollution control by gift or grant would also be included in this special fund. The division of these funds between the separate agencies is specified within the Act and these funds may be spent for the purchase of non-recurring items, such as special equipment, which includes office furniture and secretarial machines, to be used by a pollution control section, travel and expense reimbursement for attending short courses and seminars for improving the knowledge and abilities of the agencies' personnel. The payment of salaries, monthly travel reimbursement and ordinary operating expenses are exempted, because it is felt that the governing body should support the ordinary operation of its control agency and not base the pollution control effort on the collection of fines and penalties. This Act would provide monies for expense items which are uusally not available through the regular local government budget, but are needed for the proper pollution control work. There is a precedent for this type of fund in the statutes of the Parks and Wildlife Commission in that any fines which are assessed and paid are placed in a special fund under the jurisdiction of that agency. The only difference between this type of fund, as used by the Parks and Wildlife Commission, and this proposal is that the Parks and Wildlife Commission may use the special fund for payment of salaries and ordinary operating expenses. The retention of portions of the fines and penalties in the various agency levels would help to promote pollution control work and enable the agencies to better provide protection for the citizens of this state.

HB 354, by BRAUN—This Act would clarify the authority of the Air Control Board for setting minimum standards, criteria and levels, and emission limits for air contaminants that would permit any city or town to enact and enforce standards more restrictive than those set by the board. This legislation is intended to be permissive in nature and would allow a city or town to control air pollution within its boundaries to a greater extent if the governing body of that city or town desired to provide "cleaner" air for its citizenry than would be obtained if only the minimum standards of the state board were followed. It would prohibit any city or town from adopting and enforcing an ordinance which would be less restrictive than the standards set by the state board, but would allow the people of such city or town to have some voice in determining the pollution level to which they will be based on transportation of water by viaducts from the Mis· subjected.

HB 355, by BRAUN—This act would prohibit the Water Quality Board from adopting less restrictive criteria in upstream waters than were adopted in areas downstream. It is obvious that under the current situation, poorer quality water in an upstream area will naturally flow and pollute downstream areas, which are beyond any human control. Once the discharges enter into the stream, no human can prevent the contamination from entering a downstream area which has more restrictive criteria. In addition, this Act would force all industries to abide by the same regulations. The current practice would be prohibited which forces an industry that may be downstream from a more polluted area to install and operate pollution control equipment which is not required of their competition located in the more polluted area upstream.

HB 356 by BRAUN clarifies the procedure which must be followed by a local government in the enforcement of the Clean Air Act of Texas.

HB 453 by BRAUN—This Act for air pollution provides for a misdemeanor prosecution in the same manner as described

in HB 454, below, for water pollution. Quite often we find that a misdemeanor prosecution will effect control and abate the pollution without the more expensive district court action. *HB 454 by BRAUN* would allow criminal prosecution for the violation of the Texas Water Quality Act and make such violations alternatively a misdemeanor. The desirability of having this type of prosecution available is that minor violations of the Water Quality Act by relatively small companies and individuals may be controlled and not require full scale district court action, which is considerably more expensive and time-consuming. In addition, the final judgment of the criminal prosecution is usually obtained in a shorter period of time and therefore would allow speedier abatement of the condition affecting the health of the citizens of this state.

In the original Water Pollution Control Act of 1961 there was a similar provision, but in the 1967 version of the Texas Water Quality Act, the misdemeanor prosecution was not included.

SB 7 by COLE is to enact an amendment to the State Uniform Act regulating Traffic on Highways to require the maintenance of motor vehicle exhaust emission control devices on 1968 and subsequent model vehicles in accordance with the Federal Regulation issued by the United States Department of Health, Education and Welfare. The emission control device would be included in the list of items to be checked in the required annual motor vehicle inspection.

SB 48 by COLE, patches up the Clean Air Act of Texas in eleven spots, including removal of the present exemption of plants processing agricultural products (cotton gins, etc.).

SB 125 by COLE places responsibility for disposal of solid waste materials from municipal and community activities in the Texas State Department of Health, and those from industrial, commercial, agricultural and other activities in the Texas Water Quality Board.

Authorizes each agency to prepare rules and regulations and to adopt a permit system for handling solid waste disposal activities.

Authorizes counties to regulate solid waste disposal activities within their jurisdiction, subject to supervision by the Senate Health Department or the Texas Water Quality Board, as appropriate.

HB 132 by JOHN HANNAH imposes a tax on no deposit no return bottles per bottle (1¢), covering soft drink and alcoholic beverage bottles.

SB 138 by COLE transfers the functions of issuing sub-surface waste disposal permits under the Injection Well Act from the Texas Water Development Board to the Texas Water Quality Board.

SB 147 by COLE patches up the Texas Water Quality Act in eleven spots, including implementation of the Development of Regional Waste Collection by rate-making authority, etc.

SB 225 by COLE Establishes a Gulf Coast Waste Disposal Authority of Harris, Galveston and Chambers Counties with power to control water pollution and waste disposal, solid and liquid, to issue bonds, to levy taxes, to collect service fees, to exercise eminent domain and to bring enforcement suits.

SUMMARY OF BEACH AND ESTUARY BILLS

(State Conservation Platform, Plank 15)

SCR 38 by A. R. SCHWARTZ—Provides for a thorough coastal study, including a natural resources inventory, a discussion of the uses to which specific areas can best be put, and a projection of future needs.

SB 563 by SCHWARTZ—Places a moratorium upon the sale or lease of submerged lands by the State until the completion of a major inventory of coastal resources.

SB 559SB 559 by SCHWARTZ—Amends the Submerged Lands Leasing Act to provide additional safeguards for protection of coastal resources by strengthening the Submerged Lands Advisory Board and by specifying the purposes for which lands may be leased and limiting the terms of such leases.

SB 555 by SCHWARTZ—Provides state matching funds to local governments to assist in the cleaning of litter on public beaches.

SB 556 by SCHWARTZ—Amends the Open Beaches Act to bring within the statute so-called "remote beaches" not accessible by public road or ferry.

SB 557 by SCHWARTZ—Makes unlawful any act which denies to the public the right to enter a public beach, specifically any written or oral communication which indicates that a public beach is not open to members of the public.

SB 558 by SCHWARTZ—Establishes safeguards and requires permits for the excavation of sand from any island or peninsul on the Gulf of Mexico.

SB 560 by SCHWARTZ—Establishes criminal penalties for any action which destroys the natural vegetation on sand dunes, thereby destroying the dunes and exposing the coast to storm waters.

SB 561 by SCHWARTZ—Empowers coastal counties to zone within one-half mile of the state-owned beach.

SB 562 by SCHWARTZ—Authorizes coastal counties to establish administrative entities known as beach park boards with broad powers to administer the public beaches.

SB 607 by SCHWARTZ—Enables coastal counties to license business establishments on state-owned and public beaches and offers protection to private property owners.

SUMMARY OF ANTI-DREDGING BILLS

(State Conservation Platform, Plank 2)

SB 171 by HARRINGTON—Prohibits shell dredging within 1500 ft. of exposed shell reefs and live oyster beds.

SB 56 by PATMAN; HB 1125 and 1130 by CORY—Prohibits shell-dredging in Espiritu Santo Bay, and other contingent bays.

HB 230 by SMITH—Imposes a five-year moratorium on shell dredging in the Coastal "Inside Waters" of Texas.

TEXAS WATER PLAN

(State Conservation Platform, Plank 3, calls for further study of alternatives before adopting this plan)

SB 240-247 by CREIGHTON; HB 170-181 by CLAYTON, SOLOMON—Authorizes the nine billion dollar current plan sissippi River.

UNIFICATION OF REGULATORY AUTHORITY OVER FISH AND GAME LAWS

(State Conservation Platform, Plank 17)

HB 1230 by HEAD—Would extend regulatory authority of Parks and Wildlife Department to Smith County. Similar bills affect seven other counties.

ALLIGATOR PROTECTION BILL

SB 170 by HARRINGTON—Extends alligator protection to the remaining counties in Texas where killing and taking are still permitted.

WRITE, AND SEND US A COPY

If you write a conservation letter, send a copy to Edward C. Fritz, 909 Reliance Life Building, Dallas, Texas for these purposes:

1. So that we may show other persons, including various state officials, the extent of conservation interest in the subject.
2. So that we, ourselves, may know that Texas conservationists want us to keep plugging.

BULLETIN
OF THE
TEXAS ORNITHOLOGICAL
SOCIETY

MICHAEL KENT RYLANDER, Editor
Dept. Biology, Texas Technological College
LUBBOCK, TEXAS 79409

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